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TITLE An Act to Provide Employment and Training Opportunities for Youth, and to Provide for Other Improvements in Employment and Training Programs. Public Law 95-93. 95th Congress.

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ABSTRACT

Enacted by Congress in August 1977 to provide employment and training opportunities for youth and to provide for other improvements in employment and training programs, this act is cited as the Youth Employment and Demonstration Projects Act of 1977. It has three titles. Title I--Young Adult Conservation Corps--amends the Comprehensive Employment and Training Act of 1973 by adding this title to establish the corps to provide employment and other benefits to youths who would not otherwise be currently productively employed, through a period of service during which they engage in useful conservation work and assist in completing other projects of a public nature on federal and nonfederal public lands and waters. Title II--Youth Employment Demonstration Programs--amends Title II of the Comprehensive Employment and Training Act of 1973 by adding a part C to establish a variety of employment, training, and demonstration programs to explore methods of dealing with structural unemployment problems of the nation's youth. Subparts cover youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs. Title III contains miscellaneous provisions including transfer of funds and waivers of fund limitations. (JT)

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Public Law 95-93
95th Congress

An Act

To provide employment and training opportunities for youth, and to provide for other improvements in employment and training programs.

Aug. 5, 1977
[H.R. 6138]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Youth Employment and Demonstration Projects Act of 1977".

Youth
Employment and
Demonstration
Projects Act of
1977.
29 USC 801 note.

TITLE I—YOUNG ADULT CONSERVATION CORPS

AMENDMENT ESTABLISHING THE CORPS

SEC. 101. The Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new title: 29 USC 801 note.

"TITLE VIII—YOUNG ADULT CONSERVATION CORPS

"STATEMENT OF PURPOSE

"SEC. 801. It is the purpose of this title to establish a Young Adult Conservation Corps to provide employment and other benefits to youths who would not otherwise be currently productively employed, through a period of service during which they engage in useful conservation work and assist in completing other projects of a public nature on Federal and non-Federal public lands and waters. 29 USC 993.

"ESTABLISHMENT OF YOUNG ADULT CONSERVATION CORPS

"SEC. 802. To carry out the purposes of this title, there is hereby established a Young Adult Conservation Corps to carry out projects on Federal or non-Federal public lands or waters. The Secretary of Labor shall administer this title through interagency agreements with the Secretaries of the Interior and Agriculture. Pursuant to such interagency agreements, the Secretaries of the Interior and Agriculture shall have responsibility for the management of each Corps center, including determination of Corps members' work assignments, selection, training, discipline, and termination, and shall be responsible for an effective program at each center. 29 USC 993a. Administration.

"SELECTION OF ENROLLEES

"SEC. 803. (a) Enrollees of the Corps shall be selected by the Secretaries of the Interior and Agriculture only from candidates referred by the Secretary of Labor. 29 USC 993b.

"(b) (1) Membership in the Corps shall be limited to individuals who, at the time of enrollment—

"(A) are unemployed;

"(B) are between the ages sixteen to twenty-three, inclusive;

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"(C) are citizens or lawfully permanent residents of the United States or lawfully admitted refugees or parolees;

"(D) are capable, as determined by the Secretary of Labor, of carrying out the work of the Corps for the estimated duration of each such individual's enrollment.

"(2) Individuals who, at the time of enrollment, have attained age sixteen but not attained age nineteen and who have left school shall not be admitted to membership in the Corps unless they give adequate assurances, under criteria established by the Secretary of Labor, that they did not leave school for the purpose of enrolling in the Corps and obtaining employment under this title.

Candidate
referral.

29 USC 812.

29 USC 872.

29 USC 873.

"(c) The Secretary of Labor shall make arrangements for obtaining referral of candidates for the Corps from the public employment service, prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302 of this Act, sponsors of migrant and seasonal farmworker programs under section 303 of this Act, the Secretaries of the Interior and Agriculture, and such other agencies and organizations as the Secretary of Labor may deem appropriate. The Secretary of Labor shall undertake to assure that an equitable proportion of candidates shall be referred from each State.

29 USC 844.

Maximum
enrollment
period.

"(d) In referring candidates from each State in accordance with subsection (c), preference shall be given to youths residing in rural and urban areas within each such State having substantial unemployment, including areas of substantial unemployment determined by the Secretary of Labor under section 204(c) of this Act to have rates of unemployment equal to or in excess of 6.5 per centum.

"(e) (1) No individual may be enrolled in the Corps for a total period of more than twelve months, with such maximum period consisting of either one continuous twelve-month period, or three or less periods which total twelve months, except that an individual who attains the maximum permissible enrollment age may continue in the Corps up to the twelve-month limit provided in this subsection only as long as the individual's enrollment is continuous after having attained the maximum age.

"(2) No individual shall be enrolled in the Corps if solely for purposes of membership for the normal period between school terms.

"ACTIVITIES OF THE CORPS

Residential and
nonresidential
Corps centers.
29 USC 993c.

"SEC. 804. (a) Consistent with each interagency agreement, the Secretary of the Interior or Agriculture, as appropriate, in consultation with the Secretary of Labor shall determine the location of each residential and nonresidential Corps center. The Corps shall perform work on projects in such fields as—

"(1) tree nursery operations, planting, pruning, thinning, and other silviculture measures;

"(2) wildlife habitat improvements and preservation;

"(3) range management improvements;

"(4) recreation development, rehabilitation, and maintenance;

"(5) fish habitat and culture measures;

"(6) forest insect and disease prevention and control;

"(7) road and trail maintenance and improvements;

"(8) general sanitation, cleanup, and maintenance;

"(9) erosion control and flood damage;

"(10) drought damage measures; and

"(11) other natural disaster damage measures.

"(b) (1) The Secretary of the Interior and the Secretary of Agriculture shall undertake to assure that projects on which work is performed under this title are consistent with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and such other standards relating to such projects as each Secretary shall prescribe consistent with other provisions of Federal law.

16 USC 1600
note.

"(2) The Secretary of the Interior and the Secretary of Agriculture shall place individuals employed as Corps members into jobs which will diminish the backlog of relatively labor intensive projects which would otherwise be carried out if adequate funding were made available.

"(c) To the maximum extent practicable, projects shall—

Corps projects.

"(1) be labor intensive;

"(2) be projects for which work plans could be readily developed;

"(3) be able to be initiated promptly;

"(4) be productive;

"(5) be likely to have a lasting impact both as to the work performed and the benefit to the youths participating;

"(6) provide work experience to participants in skill areas required for the projects;

"(7) if a residential program, be located, to the maximum extent consistent with the objectives of this title, in areas where existing residential facilities for the Corps members are available; and

"(8) be similar to activities of persons employed in seasonal and part-time employment in agencies such as the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Bureau of Outdoor Recreation, and Soil Conservation Service.

"(d) (1) The Secretary of the Interior and the Secretary of Agriculture, pursuant to agreements with the Secretary of Labor, may provide for such transportation, lodging, subsistence, medical treatment, and other services, supplies, equipment, and facilities as they may deem appropriate to carry out the purposes of this part. To minimize transportation costs, Corps members shall be assigned to projects as near to their homes as practicable.

Facilities,
supplies, and
equipment.

"(2) Whenever economically feasible, existing but unoccupied or underutilized Federal, State and local government facilities and equipment of all types shall, where appropriate, be utilized for the purposes of the Corps centers with the approval of the Federal agency, State, or local government involved.

"(e) The Secretary of Labor, in carrying out the purpose of this title, shall work with the Department of Health, Education, and Welfare to make suitable arrangements whereby academic credit may be awarded by educational institutions and agencies for competencies derived from work experience obtained through programs established under this title.

Academic credit
granted for work
experience.

"CONDITIONS APPLICABLE TO CORPS ENROLLEES

"SEC. 805. (a) Except as otherwise specifically provided in this subsection, Corps members shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employ-

29 USC 993d.

ment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

"(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), Corps members shall be deemed employees of the United States and any service performed by a person as a Corps member shall be deemed to be performed in the employ of the United States.

"(2) For purposes of subchapter 1 of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and provisions of that subchapter shall apply, except that the term 'performance of duty' shall not include any act of a Corps member while absent from the member's assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Secretary.

"(3) For purposes of chapter 171 of title 28 of the United States Code, relating to tort claims procedure, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee of the Government' as defined in section 2671 of title 28, United States Code, and provisions of that chapter shall apply.

"(4) For purposes of section 5911 of title 5 of the United States Code, relating to allowances for quarters, Corps members shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in that section, and provisions of that section shall apply.

"(b) The Secretary of Labor shall, in consultation with the Secretaries of the Interior and Agriculture, establish standards for—

"(1) rates of pay which shall be at least at the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

"(2) reasonable hours and conditions of employment; and

"(3) safe and healthful working and living conditions.

"STATE AND LOCAL PROGRAMS

"SEC. 806. (a) Consistent with interagency agreements with the Secretary of Labor, the Secretaries of the Interior and Agriculture may make grants or enter into other agreements—

"(1) after consultation with the Governor, with any State agency or institution;

"(2) after consultation with appropriate State and local officials, with (A) any unit of general local government, or (B) (i) any public agency or organization, or (ii) any private nonprofit agency or organization which has been in existence for at least two years;

for the conduct under this title of any State or local component of the Corps or of any project on non-Federal public lands or waters or any project involving work on both non-Federal and Federal lands and waters.

"(b) No grant or other agreement may be entered into under this section unless an application is submitted to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, at such time as each such Secretary may prescribe. Each grant application

Work injuries
compensation.
5 USC 8101.

Tort claims.
28 USC 2671.

Quarters
allowances.

Wages, hours,
and working
conditions.

29 USC 206.

Grants.
29 USC 993e.

Grant
applications.

shall contain assurances that individuals employed under the project for which the application is submitted—

- “(1) meet the qualifications set forth in section 803(b),
- “(2) shall be employed in accordance with section 805(b), and
- “(3) shall be employed in activities that—

“(A) will result in an increase in employment opportunities over those opportunities which would otherwise be available,

“(B) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits),

“(C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed,

“(D) will not substitute jobs assisted under this title for existing federally assisted jobs, and

“(E) will not result in the hiring of any youth when any other person is on layoff from the same or any substantially equivalent job.

“(c) Thirty percent of the sums appropriated to carry out this title for any fiscal year shall be made available for grants under this section for such fiscal year and shall be made on the basis of total youth population within each State.

“SECRETARIAL REPORTS

“SEC. 807 The Secretary of Labor, the Secretary of the Interior and the Secretary of Agriculture shall jointly prepare and submit to the President and to the Congress a report detailing the activities carried out under this title for each fiscal year. Such report shall be submitted not later than February 1 of each year following the date of enactment of this Act. The Secretaries shall include in such report such recommendations as they deem appropriate.

Report to
President and
Congress.
29 USC 993f.

“ANTIDISCRIMINATION

“SEC. 808. (a) No persons with responsibilities in the operations of such programs shall discriminate with respect to participation in such programs because of race, creed, color, national origin, sex, political affiliation, or beliefs.

29 USC 993g.

“(b) The Corps shall be open to youth from all parts of the country of both sexes and youth of all social, economic, and racial classifications.

“TRANSFER OF FUNDS

“SEC. 809. Funds necessary to carry out their responsibilities under this title shall be made available to the Secretaries of the Interior and Agriculture in accord with interagency agreements between the Secretary of Labor and the Secretaries of the Interior and Agriculture.

29 USC 993h.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 810. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1978 and for each fiscal year ending prior to October 1, 1980, for the purpose of carrying out this title.”

29 USC 993i.

TITLE II—YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

YOUTH PROJECTS AND ACTIVITIES AUTHORIZED

SEC. 201. Title III of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new part:

"PART C—YOUTH EMPLOYMENT DEMONSTRATION PROGRAM

"STATEMENT OF PURPOSE

29 USC 891.

"SEC. 321. It is the purpose of this part to establish a variety of employment, training and demonstration programs to explore methods of dealing with the structural unemployment problems of the Nation's youth. The basic purpose of the demonstration programs shall be to test the relative efficacy of different ways of dealing with these problems in different local contexts, but this basic purpose shall not preclude the funding of programs dealing with the immediate difficulties faced by youths who are in need of, and unable to find, jobs. It is explicitly not the purpose of this part to provide make-work opportunities for unemployed youth; instead, it is the purpose to provide youth, and particularly economically disadvantaged youth, with opportunities to learn and earn that will lead to meaningful employment opportunities after they have completed the program.

"SUBPART I—YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS

"ENTITLEMENT PILOT PROJECTS AUTHORIZED

29 USC 892.

"SEC. 325. (a) The Secretary shall enter into arrangements with prime sponsors selected in accordance with the provisions of this subpart for the purpose of demonstrating the efficacy of guaranteeing otherwise unavailable part-time employment, or combination of part-time employment and training, for economically disadvantaged youth between the ages of sixteen and nineteen, inclusive, during the school year who resume or maintain attendance in secondary school for the purpose of acquiring a high school diploma or in a program which leads to a certificate of high school equivalency and full-time employment or part-time employment and training during the summer months to each such youth.

Prime sponsors.

"(b) Each prime sponsor who applies for and is selected by the Secretary to carry out a pilot project under this subpart shall guarantee such employment to each such unemployed youth who resides within the area or a designated part thereof served by the prime sponsor and who applies to that prime sponsor for employment. The Secretary shall provide to each prime sponsor, from funds appropriated for carrying out this subpart, in combination with any funds made available by such prime sponsor according to an agreement made pursuant to section 327(a)(4)(F), the amount to which that prime sponsor is entitled under subsection (c).

"(c) Each prime sponsor shall be entitled to receive, for each youth who is provided employment by that prime sponsor, the costs associated with providing such employment. Such costs shall take into account funds made available by such prime sponsor under section 327(a)(4)(F).

"EMPLOYMENT GUARANTEES

"SEC. 326. Employment opportunities guaranteed under this subpart shall take the form of any one of the following or combination thereof:

29 USC 892a.

"(1) Part-time employment or training or combination thereof during the school year, not to exceed an average of twenty hours per week for each youth employed, and not to last less than six months nor more than nine, or projects operated by community-based organizations of demonstrated effectiveness which have a knowledge of the needs of disadvantaged youth; local educational agencies (as defined in section 801(f) of the Elementary and Secondary Education Act of 1965); institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965); nonprofit private organizations or institutions engaged in public service; nonprofit voluntary youth organizations; nonprofit private associations, such as labor organizations, educational associations, business, cultural, or other private associations; units of general local government; or special purpose political subdivisions either having the power to levy taxes and spend funds or serving such special purpose in two or more units of general local government.

Part-time
employment.

20 USC 881.

20 USC 1141.

"(2) Part-time employment on an individual basis in any of the institutions and under the same conditions provided for in clause (1).

"(3) Part-time employment on either a project or individual basis in any of the institutions and under the same conditions as provided in clause (1) which includes as part of the employment on-the-job or apprenticeship training.

"(4) Full-time employment during the summer months, not to exceed forty hours per week for each youth employed, and not to last less than eight weeks, in any of the institutions described in clause (1) of this section.

Full-time
employment.

"SELECTING PRIME SPONSORS

"SEC. 327. (a) In selecting prime sponsors to operate youth incentive entitlement projects, the Secretary shall—

29 USC 892b.

"(1) select prime sponsors from areas with differing socioeconomic and regional circumstances such as differing unemployment rates, school dropout rates, urban and rural variations, size, and other such factors designed to test the efficacy of a youth job entitlement in a variety of differing locations and circumstances;

"(2) take into consideration the extent to which the prime sponsors devote funds made available under title I and section 304(a) (1), (2), and (3) of this Act for the purpose of carrying out a youth incentive entitlement project or for supportive services;

29 USC 811,
874.

"(3) take into consideration the extent to which new and different classifications, occupations, or restructured jobs are created for youth;

"(4) select only prime sponsors which submit proposals which include—

"(A) a description of the procedure to be utilized by the prime sponsor to publicize, consider, approve, audit, and

monitor youth incentive projects or jobs funded by the prime sponsor under this part, including copies of proposed application materials, as well as examples of audit and client characteristics reports;

"(B) a statement of the estimated number of economically disadvantaged youth to be served by the prime sponsor, and assurances that only such disadvantaged youth will be served;

"(C) assurances that the provisions of section 352 and 353 are met relating to wage provisions and special conditions;

"(D) assurances that the prime sponsor has consulted with public and private nonprofit educational agencies including vocational and postsecondary education institutions and other agencies which offer high school equivalency programs; public employers, including law enforcement and judicial agencies; labor organizations; voluntary youth groups; community-based organizations; organizations of demonstrated effectiveness with a special knowledge of the needs of such disadvantaged youth; and with the private sector in the development of the plan, and assurances that arrangements are made with appropriate groups to assist the prime sponsor in carrying out the purposes of this subpart;

"(E) assurances that arrangements are made with the State employment security agencies to carry out the purposes of this subpart;

29 USC 811.

"(F) an agreement that title I funds planned for economically disadvantaged youth employment programs and funds available for the summer youth program under section 304 for youth eligible under subsection (a) will be used in support of the project authorized under this subpart;

29 USC 874.

"(G) assurances that the employment of eligible youth meets the requirements of eligible activities under section 328;

"(H) assurances that participating youth shall not be employed more than an average of twenty hours per week during the school year and not more than forty hours per week during the summer;

"(I) assurances that a participating youth is not a relative of any person with responsibility for hiring a person to fill that job;

"(J) assurances that whenever employment involves additional on-the-job, institutional, or apprenticeship training provided by the employer, and if such training is not paid for in full or in part by the prime sponsor under any other program authorized under this Act, wages may be paid in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938, and with the balance being applied to the cost of training;

29 USC 214.

"(K) assurances that arrangements have been made with the appropriate local education agency or with the institution offering a certified high school equivalency program that such youth is enrolled and meeting the minimum academic and attendance requirements of that school or education program and with employers that such youth meet the minimum work and attendance requirements of such employment and that any employment guarantee is conditioned on such enrollment; and

“(L) assurances that the prime sponsor will make available the data necessary for the Secretary to prepare the report required by section 329.

“(b) In approving a prime sponsor to operate a youth incentive entitlement pilot project under this subpart the Secretary may also test the efficacy of any such project involving—

Efficacy tests for certain projects.

“(1) the use of a variety of subsidies to private for-profit employers, notwithstanding the provisions of sections 326 and 328(a), to encourage such employers to provide employment and training opportunities under this subpart, but no such subsidy shall exceed the net cost to the employer of the wages paid and training provided;

“(2) arrangements with unions to enable youth to enter into apprenticeship training as part of the employment provided under this subpart;

“(3) a variety of administrative mechanisms to facilitate the employment of youths under an entitlement arrangement;

“(4) the inclusion of economically disadvantaged youths between the ages of nineteen and twenty-five who have not received their high school diploma;

“(5) the inclusion of occupational and career counseling, outreach, career, exploration, and on-the-job training and apprenticeship as part of the employment entitlement; and

“(6) the inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

“SPECIAL PROVISIONS

“SEC. 328. (a) Employment and training under this subpart shall develop the participant's role as a meaningful member of the community, and may include, but is not limited to, employment and training in such fields as environmental quality, health care, education, social services, public safety, crime prevention and control, transportation, recreation, neighborhood improvement, rural development, conservation, beautification, and community improvement projects.

Participant development.
29 USC 892c.

“(b) No funds for employment under this subpart shall be used to provide public services through a nonprofit organization, association, or institution, or a nonprofit private institution of higher education, or any other applicant, which were previously provided by a political subdivision or local educational agency in the area served by the project or where the employment and training takes place, and no funds will be used under this subpart to provide such services through such an organization or institution which are customarily provided only by a political subdivision or local educational agency in the area served by such project or where the employment and training takes place.

“REPORTS

“SEC. 329. The Secretary shall report to the Congress not later than March 15, 1978, on his interim findings on the efficacy of a youth incentive entitlement. The Secretary shall submit another report not later than December 31, 1978 concerning the youth incentive entitlement projects authorized under this subpart. Included in such reports shall be findings with respect to—

Reports to Congress.
29 USC 892d.

“(1) the number of youths enrolled at the time of the report;

“(2) the cost of providing employment opportunities to such youths;

"(3) the degree to which such employment opportunities have caused out-of-school youths to return to school or others to remain in school;

"(4) the number of youths provided employment in relation to the total which might have been eligible;

"(5) the kinds of jobs provided such youths and a description of the employers—public and private—providing such employment;

"(6) the degree to which on-the-job or apprenticeship training has been offered as part of the employment;

"(7) the estimated cost of such a program if it were to be extended to all areas;

"(8) the effect such employment opportunities have had on reducing youth unemployment in the areas of the prime sponsors operating a project; and

"(9) the impact of job opportunities provided under the project on other job opportunities for youths in the area.

"SUBPART 2—YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS

"STATEMENT OF PURPOSE

- 29 USC 893. "SEC. 331. It is the purpose of this subpart to establish a program of community conservation and improvement projects to provide employment, work experience, skill training, and opportunities for community service to eligible youths, for a period not to exceed twelve months, supplementary to but not replacing opportunities
- 29 USC 811. available under title I of this Act.

"DEFINITIONS

- 29 USC 893a. "SEC. 332. As used in this subpart, the term—
- 29 USC 812. "(1) 'eligible applicant' means any prime sponsor qualified
- 29 USC 872. under section 102 of this Act, sponsors of Native American programs qualified under section 302(c)(1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 303 of this Act;
- 29 USC 873. "(2) 'project applicant' shall have the same meaning as in
- 29 USC 981. section 701(a)(15) of this Act;
- "(3) 'eligible youths' means individuals who are unemployed and, at the time of entering employment under this subpart, are ages sixteen to nineteen, inclusive; and
- "(4) 'community improvement projects' means projects providing work which would not otherwise be carried out, including, but not limited to, the rehabilitation or improvement of public facilities; neighborhood improvements; weatherization and basic repairs to low-income housing; energy conservation including solar energy techniques, especially those utilizing materials and supplies available without cost; and conservation, maintenance, or restoration of natural resources on publicly held lands other than Federal lands.

"ALLOCATION OF FUNDS

- 29 USC 893b. "SEC. 333. (a) Funds available to carry out this subpart for any fiscal year shall be allocated in such a matter that not less than 75 per

centum of such funds shall be allocated among the States on the basis of the relative number of unemployed persons within each State as compared to all States, except that not less than one-half of 1 per centum of such funds shall be allocated for projects under this subpart within any one State and not less than one-half of 1 per centum of such funds shall be allocated in the aggregate for projects in Guam, the Virgin Islands, American Samoa, the Northern Marianas, and the Trust Territory of the Pacific Islands.

"(b) Of the funds available for this subpart 2 percent shall be available for projects for Native American eligible youths, and 2 percent shall be available for projects for eligible youths in migrant and seasonal farmworker families.

"(c) The remainder of the funds available for this subpart shall be allocated as the Secretary deems appropriate.

"COMMUNITY CONSERVATION AND IMPROVEMENT YOUTH EMPLOYMENT PROJECTS

"SEC. 334. The Secretary is authorized, in accordance with the provisions of this subpart, to enter into agreements with eligible applicants to pay the costs of community conservation and improvement youth employment projects to be carried out by project applicants employing eligible youths and appropriate supervisory personnel. 29 USC 893c.

"PROJECT APPLICATIONS

"SEC. 335. (a) Project applicants shall submit applications for funding of projects under this subpart to the appropriate eligible applicant. 29 USC 893d.

"(b) In accordance with regulations prescribed by the Secretary, each project application shall—

"(1) provide a description of the work to be accomplished by the project, the jobs to be filled, and the approximate duration for which eligible youths would be assigned to such jobs;

"(2) describe the wages or salaries to be paid individuals employed in jobs assisted under this subpart;

"(3) set forth assurances that there will be an adequate number of supervisory personnel on the project and that the supervisory personnel are adequately trained in skills needed to carry out the project and can instruct participating eligible youths in skills needed to carry out a project;

"(4) set forth assurances that any income generated by the project will be applied toward the cost of the project;

"(5) set forth assurances for acquiring such space, supplies, materials, and equipment as necessary, including reasonable payment for the purchase or rental thereof;

"(6) set forth assurances that, to the maximum extent feasible, projects carried out under this subpart shall be labor intensive; and

"(7) set forth such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

"PROPOSED AGREEMENTS

"SEC. 336. (a) (1) Each eligible applicant desiring funds under this subpart shall submit a proposed agreement to the Secretary, together with all project applications approved by the eligible applicant and 29 USC 893e.

all project applications approved by any program agent within the area served by the eligible applicant. With its transmittal of the proposed agreement, the eligible applicant shall provide descriptions of the project applications approved by the eligible applicant and by any program agent within the area served by the eligible applicant, accompanied by the recommendations of the eligible applicant concerning the relative priority attached to each project.

29 USC 844.
Contents.

"(2) The definition and functions of a program agent shall be as set forth in section 204(d) of this Act.

"(b) The proposed agreement submitted by any eligible applicant shall—

29 USC 815.

"(1) describe the method of recruiting eligible youths, including a description of how such recruitment will be coordinated with plans under other provisions of this Act, including arrangements required by section 105 of this Act, and also including a description of arrangements with school systems and the public employment service (including school cooperative programs);

"(2) provide a description of job training and skill development opportunities that will be made available to participating eligible youths, as well as a description of plans to coordinate the training and work experience with school-related programs, including the awarding of academic credit; and

"(3) set forth such other assurances as the Secretary may require to carry out the purposes of this subpart.

Project
applications,
submittal to
planning
councils.
29 USC 814.

29 USC 872.

29 USC 873.

"(c) (1) In order for a project application submitted by a project applicant to be submitted to the Secretary by any eligible applicant, copies of such application shall have been submitted at the time of such application to the prime sponsor's planning council established under section 104 of this Act (or an appropriate planning organization in the case of sponsors of Native American programs under section 302 of this Act or migrant and seasonal farmworker programs under section 303 of this Act) for the purpose of affording such council (and the youth council established under section 346) an opportunity to submit comments and recommendations with respect to that application to the eligible applicant. No member of any council (or organization) shall cast a vote on any matter in connection with a project in which that member, or any organization with which that member is associated, has a direct interest.

"(2) Consistent with procedures established by the eligible applicant in accordance with regulations which the Secretary shall prescribe, the eligible applicant shall not disapprove a project application submitted by a project applicant unless it has first considered any comments and recommendations made by the appropriate council (or organization) and unless it has provided such applicant and council (or organization) with a written statement of its reasons for such disapproval.

"APPROVAL OF AGREEMENTS

29 USC 893f.

"SEC. 337. (a) The Secretary may approve or deny on an individual basis any of the project applications submitted with any proposed agreement.

"(b) No funds shall be made available to any eligible applicant except pursuant to an agreement entered into between the Secretary and the eligible applicant which provides assurances satisfactory to the Secretary that—

"(1) the standards set forth in subpart 4 of this part will be satisfied;

"(2) projects will be conducted in such manner as to permit eligible youths employed in the project who are in school to coordinate their jobs with classroom instruction and, to the extent feasible, to permit such eligible youths to receive credit from the appropriate educational agency, postsecondary institution, or particular school involved; and

"(3) meet such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

"WORK LIMITATION

"SEC. 338. No eligible youth shall be employed for more than twelve months in work financed under this subpart, except as prescribed by the Secretary.

29 USC 893g.

"SUBPART 3—YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 341. It is the purpose of this subpart to establish programs designed to make a significant long-term impact on the structural unemployment problems of youth, supplementary to but not replacing programs and activities available under title I of this Act, to enhance the job prospects and career opportunities of young persons, including employment, community service opportunities, and such training and supportive services as are necessary to enable participants to secure suitable and appropriate unsubsidized employment in the public and private sectors of the economy. To the maximum extent feasible, training and employment opportunities afforded under this subpart will be interrelated and mutually reinforcing so as to achieve the goal of enhancing the job prospects and career opportunities of youths served under this subpart.

29 USC 894.

29 USC 811.

"PROGRAMS AUTHORIZED

"SEC. 342. (a) The Secretary is authorized to provide financial assistance to enable eligible applicants to provide employment opportunities and appropriate training and supportive services for eligible participants including but not limited to—

29 USC 894a.

"(1) useful work experience opportunities in a wide range of community betterment activities such as rehabilitation of public properties, assistance in the weatherization of homes occupied by low-income families, demonstrations of energy-conserving measures including solar energy techniques (especially those utilizing materials and supplies available without cost), park establishment and upgrading, neighborhood revitalization, conservation and improvements, and related activities;

Community betterment activities.

"(2) productive employment and work experience in fields such as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control, preservation of historic sites, and maintenance of visitor facilities

"(3) appropriate training and services to support the purpose of this subpart, including but not limited to—

"(A) outreach, assessment, and orientation;

"(B) counseling, including occupational information and career counseling;

"(C) activities promoting education to work transition;

“(D) development of information concerning the labor market and provision of occupational, educational, and training information;

“(E) services to youth to help them obtain and retain employment;

“(F) literacy training and bilingual training;

“(G) attainment of certificates of high school equivalency;

“(H) job sampling, including vocational exploration in the public and private sector;

“(I) institutional and on-the-job training, including development of basic skills and job skills;

“(J) transportation assistance;

“(K) child care and other necessary supportive services;

“(L) job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youths, in order to improve work relationships between employers and youths;

“(M) community-based central intake and information services for youth;

“(N) job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible, and referral to employability development programs;

“(O) programs to overcome sex-stereotyping in job development and placement; and

“(P) programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

Contracts.

29 USC 981.

29 USC 811.

“(b) In order to carry out this subpart, a Governor or a prime sponsor may enter into contracts with project applicants (as defined in section 701(a)(15)) or employers organized for profit but payments to such employers shall not exceed the amounts permitted under section 101(5), or may operate programs directly if, after consultation with community-based organizations and nonprofit groups, a Governor or prime sponsor determines that such direct operation will promote the purposes of this subpart.

“ALLOCATION OF FUNDS

29 USC 894b.

Prime sponsors.

“SEC. 345. (a) From the sums available for this subpart—

“(1) an amount equal to 75 percent of such funds shall be made available to prime sponsors for programs authorized under section 342 of this Act;

Statewide youth services.

“(2) an amount equal to 5 percent of the amount available for this part shall be made available to Governors for special statewide youth services under subsection (c) of this section;

Native American eligible youth.

“(3) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for Native American eligible youths (deducting such amounts as are made available for such purposes under section 333(b) of this Act);

Migrant and seasonal farmworker families, eligible youth.

“(4) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for eligible youths in migrant and seasonal farmworker families (deducting such amounts as are made available for such purposes under section 333(b) of this Act); and

"(5) the remainder of the funds available for this subpart shall be available for the Secretary's discretionary projects authorized under section 348.

"(b)(1) Amounts available for each of the purposes set forth in paragraphs (1) and (2) of subsection (a) shall be allocated among the States in such a manner that—

State allocations.

"(A) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons within each State as compared to the total number of such unemployed persons in all States;

"(B) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons residing in areas of substantial unemployment (as defined in section 204(c) of this Act) within each State as compared to the total number of unemployed persons residing in all such areas in all States; and

29 USC 844.

"(C) 25 percent thereof shall be allocated in accordance with the relative number of persons in families with an annual income below the low-income level (as defined in section 701(a)(4) of this Act) within each State as compared to the total number of such persons in all States.

29 USC 981.

"(2) In determining allocations under this subsection, the Secretary shall use what the Secretary determines to be the best available data.

"(3) Amounts available to prime sponsors under paragraph (1) of subsection (a) of this section shall, out of the total amounts allocated to each State under such paragraph, be allocated by the Secretary among prime sponsors within each State, in accordance with the factors set forth in paragraph (1) of this subsection.

"(c) The amount available to the Governor of each State under paragraph (2) of subsection (a) of this section shall be used in accordance with a special statewide youth services plan, approved by the Secretary, for such purposes as—

Statewide youth services plans.

"(1) providing financial assistance for employment and training opportunities for eligible youths who are under the supervision of the State;

"(2) providing labor market and occupational information to prime sponsors and local educational agencies, without reimbursement;

"(3) providing for the establishment of cooperative efforts between State and local institutions, including occupational and career guidance and counseling and placement services for in-school and out-of-school youth;

"(4) providing financial assistance for expanded and experimental programs in apprenticeship trades, or development of new apprenticeship arrangements, in concert with appropriate businesses and labor unions or State apprenticeship councils;

"(5) carrying out special model employment and training programs and related services between appropriate State agencies and prime sponsors in the State, or any combination of such prime sponsors, including subcontractors selected by prime sponsors, with particular emphasis on experimental job training within the private sector.

"(d)(1) Not less than 22 percent of the amount allocated to each prime sponsor under paragraph (1) of subsection (a) of this section shall be used for programs under this subsection.

"(2) The amount available to each prime sponsor under paragraph (1) of this subsection shall be used for programs for in-school youth

In-school youth.

carried out pursuant to agreements between prime sponsors and local educational agencies. Each such agreement shall describe in detail the employment opportunities and appropriate training and supportive services which shall be provided to eligible participants who are enrolled or who agree to enroll in a full-time program leading to a secondary school diploma, a junior or community college degree, or a technical or trade school certificate of completion. Each such agreement shall contain provisions to assure that funds received pursuant to the agreement will not supplant State and local funds expended for the same purpose.

Community-
based
organizations.

"(e) Programs receiving assistance under paragraph (1) of subsection (a) of this section shall give special consideration in carrying out programs authorized under section 342 of this Act, to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

"ELIGIBLE APPLICANTS

29 USC 894c.
29 USC 812.
29 USC 872.

29 USC 873.
29 USC 894d.

"SEC. 344. Eligible applicants for purposes of this subpart, except section 348, are prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302(c) (1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 303 of this Act.

"SEC. 345. (a) Eligible participants for programs authorized under this subpart shall be persons who—

"(1) (A) are unemployed or are underemployed or are in school and are ages sixteen to twenty-one, inclusive; or (B) if authorized under such regulations as the Secretary may prescribe, are in school and are ages fourteen to fifteen, inclusive; and

"(2) are not members of households which have current gross family income, adjusted to an annualized basis (exclusive of unemployment compensation and all Federal, State, and local income-tested or needs-tested public payments) at a rate exceeding 85 percent of the lower living standard income level, except that, pursuant to regulations which the Secretary shall prescribe, persons who do not meet the requirements of this subparagraph but who are otherwise eligible under this subpart may participate in appropriate activities of the type authorized under paragraph (3) of section 342(a).

Notwithstanding the provisions of this subsection, 10 percent of the funds available for this subpart may be used for programs which include youths of all economic backgrounds to test the desirability of including youths of all economic backgrounds.

"Lower living
standard income
level."

"(b) For purposes of this section, the term 'lower living standard income level' means that income level (adjusted for regional and metropolitan and urban and rural differences and family size) determined annually by the Secretary based upon the most recent 'lower living standard budget' issued by the Bureau of Labor Statistics of the Department of Labor.

"CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

29 USC 894e.

"SEC. 346. (a) The Secretary shall not provide financial assistance to an eligible applicant for programs authorized under section 342 unless

such eligible applicant provides assurances that the standards set forth in subpart 4 of this part will be met and unless such eligible applicant submits an application in such detail as the Secretary may prescribe. Each such application shall—

“(1) describe the programs, projects or activities to be carried out with such assistance, together with a description of the relationship and coordination of services provided to eligible participants under this subpart for similar services offered by local educational agencies, postsecondary institutions, the public employment service, other youth programs, community-based organizations, businesses and labor organizations consistent with the requirements of sections 105 and 106 of this Act, and assurances that, to the maximum extent feasible, use will be made of any services that are available without reimbursement by the State employment service that will contribute to the achievement of the purposes of this subpart;

29 USC 815,
816.

“(2) include assurances that the application will be coordinated to the maximum extent feasible, with the plans submitted under title I, but services to youth under that title shall not be reduced because of the availability of financial assistance under this subpart;

29 USC 811.

“(3) provide assurances, satisfactory to the Secretary, that in the implementation of programs under this subpart, there will be coordination, to the extent appropriate, with local educational agencies, postsecondary institutions, community-based organizations, businesses, labor organizations, job training programs, other youth programs, the apprenticeship system, and (with respect to the referral of prospective youth participants to the program) the public employment service system;

“(4) provide assurances satisfactory to the Secretary that allowances will be paid in accordance with the provisions of section 111(a) of this Act and such regulations as the Secretary may prescribe for this subpart;

Regulations.

29 USC 821.

“(5) provide assurances that the application will be reviewed by the appropriate prime sponsor planning council in accordance with the provisions of section 104;

29 USC 814.

“(6) provide assurances that a youth council will be established under the planning council of such eligible applicant (established under the section 104 of this Act) in accordance with subsection (b) of this section;

“(7) provide assurances satisfactory to the Secretary that effective means will be provided through which youths participating in the projects, programs, and activities may acquire appropriate job skills and be given necessary basic education and training and that suitable arrangements will be established to document the competencies, including skills, education and training, derived by each participant from programs established under this subpart;

“(8) provide assurances that the eligible applicant will take appropriate steps to develop new job classifications, new occupations, and restructured jobs;

“(9) provide that the funds available under section 343(d) shall be used for programs authorized under section 342 for in-school youth who are eligible participants through arrangements to be carried out by a local educational agency or agencies or postsecondary educational institution or institutions; and

"(10) provide such other information and assurance as the Secretary may deem appropriate to carry out the purposes of this subpart.

Youth councils.

29 USC 814.

"(b) Each youth council established by an eligible applicant shall be responsible for making recommendations to the planning council established under section 104 of this Act with respect to planning and review of activities conducted under this subpart and subpart 2. Each such youth council's membership shall include representation from the local educational agency, local vocational education advisory council, postsecondary educational institutions, business, unions, the public employment service, local government and nongovernment agencies and organizations which are involved in meeting the special needs of youths, the community served by such applicant, the prime sponsor, and youths themselves.

Work experience
for in-school
youth, program
agreements.

"(c) No program of work experience for in-school youth supported under this subpart shall be entered into unless an agreement has been made between the prime sponsor and a local educational agency or agencies, after review by the youth council established under subsection (b) of this section. Each such agreement shall—

"(1) set forth assurances that participating youths will be provided meaningful work experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment not subsidized under this in-school program;

"(2) be administered, under contracts with the prime sponsor, by a local educational agency or agencies or a postsecondary educational institution or institutions within the area served by the prime sponsor, and set forth assurances that such contracts have been reviewed by the youth council established under subsection (b) of this section.

"(3) set forth assurances that job information, counseling, guidance, and placement services will be made available to participating youths and that funds provided under this program will be available to, and utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

"(4) set forth assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youths;

"(5) set forth assurances that the eligible applicant will advise participating youths of the availability of other employment and training resources provided under this Act, and other resources available in the local community to assist such youths in obtaining employment;

"(6) set forth assurances that youth participants will be chosen from among youths who are eligible participants who need work to remain in school, and shall be selected by the appropriate educational agency or institution, based on the certification for each participating youth by the school-based guidance counselor that the work experience provided is an appropriate component of the overall educational program of each youth.

"REVIEW OF PLANS BY SECRETARY

"SEC. 347. The provisions of sections 108, 109, and 110 of this Act shall apply to all programs and activities authorized under 342.

29 USC 894f.
29 USC
818-820.

"SECRETARY'S DISCRETIONARY PROJECTS

"SEC. 348. (a)(1) The Secretary of Labor is authorized, either directly or by way of contract or other arrangement, with prime sponsors, public agencies and private organizations to carry out innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance to productive working lives. Such programs shall include, where appropriate, cooperative arrangements with educational agencies to provide special programs and services for eligible participants enrolled in secondary schools, postsecondary educational institutions and technical and trade schools, including job experience, counseling and guidance prior to the completion of secondary or postsecondary education and making available occupational, educational, and training information through statewide career information systems.

Experimental
programs.
29 USC 894g.

"(2) In carrying out or supporting such programs, the Secretary of Labor shall consult, as appropriate, with the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture, the Director of the ACTION Agency, and the Director of the Community Services Administration.

"(3) Funds available under this section may be transferred to other Federal departments and agencies to carry out functions delegated to them pursuant to agreements with the Secretary.

Funds, transfer.

"(b) The Secretary and prime sponsors, as the case may be, shall give special consideration in carrying out innovative and experimental programs assisted under this section to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

"(c)(1) In carrying out its responsibilities under this subsection and under section 164 of the Vocational Education Act, the National Occupational Information Coordinating Committee shall give special attention to the problems of unemployed youths. The Committee shall also carry out other activities consistent with the purposes of this title, including but not limited to the following:

20 USC 1341.

"(A) assisting and encouraging local areas to adopt methods of translating national aggregate occupational outlook data into local terms;

"(B) Assisting and encouraging the development of State occupational information systems, to be used in the maintenance of local job banks and job vacancy reports, accessible to local schools, and including pilot programs in the use of computers to facilitate such access;

State
occupational
informational
systems.

Youth in
correctional
institutions.

Computer on-line
terminal
programs,
technical
assistance.

"(C) in cooperation with State and local correctional agencies, encouraging programs of counseling and employment services for youth in correctional institutions;

"(D) providing technical assistance for programs of computer on-line terminals and other facilities to utilize and implement occupational and career outlook information and projections supplied by State employment service offices and to improve the match of youth career desires with available and anticipated labor demand;

"(E) in cooperation with State and local educational agencies, and other appropriate persons and organizations, encouraging programs to make available employment and career counseling to presecondary youths; and

"(F) providing technical assistance for programs designed to encourage public and private employers to list all available job opportunities for youths with the appropriate eligible applicant conducting occupational information and career counseling programs, local public employment services offices and to encourage cooperation and contact among such eligible applicants, employers and offices.

20 USC 1341.

"(2) All funds available to the National Occupational Information Coordinating Committee under this Act and under section 161 of the Vocational Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

"SUBPART 4—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS; DISTRIBUTION OF FUNDS

29 USC 895.

"SEC. 351. (a) There are authorized to be appropriated for the fiscal year 1978 such sums as may be necessary to carry out the provisions of this part.

"(b) Of the sums available for carrying out the provisions of this part—

"(1) fifteen percent shall be available for subpart 1;

"(2) fifteen percent shall be available for subpart 2; and

"(3) seventy percent shall be available for subpart 3.

"WAGE PROVISIONS

29 USC 895a.

"SEC. 352. Rates of pay under this part shall be no less than the higher of—

29 USC 206.

"(1) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, but in the case of an individual who is fourteen or fifteen years old, the wage provided in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938;

29 USC 214.

"(2) the State or local minimum wage for the most nearly comparable employment, but in the case of an individual who is 14 or 15 years old the wage provided in accordance with the applicable provisions of the applicable State or local minimum wage law; or

"(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer, except that—

"(A) whenever the prime sponsor has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

"(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2) of this section, but if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate prime sponsor, the employer, and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within 30 days after the initiation of the agreement procedure referred to in this subparagraph, the labor organization, prime sponsor, or employer may petition the Secretary of Labor who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

"(C) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, youths to be employed in such jobs shall be paid at rates not less than are provided in paragraph (1) or (2) of this section, but if there is a dispute with respect to such new or different job classification or occupation, the Secretary of Labor shall, within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

"(D) in the case of projects to which the provisions of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under subparts 2 and 3 of this part under \$5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

40 USC 276a
note.

"SPECIAL CONDITIONS

"SEC. 353. (a) The Secretary shall provide financial assistance under this part only if he determines that the activities to be assisted meet the requirements of this section.

"(b) The Secretary shall determine that the activities assisted under this part—

"(1) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

"(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the

Financial
assistance.
29 USC 895b.

hours of non-overtime work or wages or employment benefits);

"(3) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(4) will not substitute jobs assisted under this part for existing federally assisted jobs;

"(5) will not employ any youth when any other person is on layoff by the employer from the same or any substantially equivalent job in the same area; and

"(6) will not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, or otherwise reducing the regular work force not supported under this part, in anticipation of filling the vacancy so created by hiring a youth to be supported under this part.

"(c) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining agreements have been complied with.

Notice to labor organizations.

"(d) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this part, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

"(e) Activities funded under this part shall meet such other standards as the Secretary may deem appropriate to carry out the purposes of this Act.

Full-time employment opportunities.

"(f) Funds under this part shall not be used to provide full-time employment opportunities (1) for any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except (A) during periods when school is not in session, and (B) where such employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience, or (2) for any person who has not attained a high school degree or its equivalent if it is determined, in accordance with procedures established by the Secretary of Labor, that there is substantial evidence that such person left school in order to participate in any program under this part.

"SPECIAL PROVISIONS FOR SUBPARTS 2 AND 3

Program participation qualifications.
29 USC 895c.

"SEC. 354. (a) Appropriate efforts shall be made to insure that youths participating in programs, projects, and activities under subparts 2 and 3 of this part shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who

are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the Secretary.

"(b) The Secretary is authorized to make such reallocation as the Secretary deems appropriate of any amount of any allocation under subparts 2 and 3 of this part to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided thirty days' advance notice of the proposed reallocation to the eligible applicant and to the Governor of the State of the proposed reallocation, during which period of time the eligible applicant and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected eligible applicants of any decision to reallocate funds, and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

Reallocation of funds.

Publication in Federal Register.

"(c) The provisions of section 605(b) of this Act shall apply to subparts 2 and 3 of this part. 29 USC 965.

"ACADEMIC CREDIT, EDUCATION CREDIT, COUNSELING AND PLACEMENT SERVICES, AND BASIC SKILLS DEVELOPMENT

"SEC. 355. (a) In carrying out this part, appropriate efforts shall be made to encourage the granting by the educational agency or school involved of academic credit to eligible participants who are in school. 29 USC 895d.

"(b) The Secretary, in carrying out the purposes of this part, shall work with the Department of Health, Education, and Welfare to make suitable arrangements with appropriate State and local education officials whereby academic credit may be awarded, consistent with applicable State law, by educational institutions and agencies for competencies derived from work experience obtained through programs established under this title.

"(c) All activities assisted under this part, pursuant to such regulations as the Secretary shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participation in the project to (1) permanent jobs in the public or private sector, or (2) education or training programs.

"DISREGARDING EARNINGS

"SEC. 356. Earnings received by any youth under this part shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally assisted programs. 29 USC 895e.

"RELATION TO OTHER PROVISIONS

"SEC. 357. The provisions of title VII of this Act shall apply to this part, except to the extent that any such provision may be inconsistent with the provisions of this part." 29 USC 895f. 29 USC 981.

TITLE III—MISCELLANEOUS PROVISIONS

TRANSITION PROVISIONS

29 USC 993i
note.*Ante*, p. 122.

SEC. 301. In order to provide for an orderly transition to youth employment and training activities funded under part C of title III and title VIII of the Comprehensive Employment and Training Act of 1973 (as added by this Act), the Secretary of Labor shall use the funds available from appropriations under the Economic Stimulus Appropriations Act of 1977 for youth employment and training activities, to the maximum extent consistent with law, in such a manner as to be in accordance with the provisions of such part C and such title VIII.

TRANSFER OF FUNDS TO NATIONAL OCCUPATIONAL INFORMATION
COORDINATING COMMITTEE

29 USC 802.

SEC. 302. Section 4 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

“(f) Of the amounts available for the Secretary’s discretionary use under this Act, the Secretary shall transfer an amount which shall be not less than \$3,000,000 and not more than \$5,000,000 for any fiscal year to the National Occupational Information Coordinating Committee established pursuant to section 161 (b) of the Vocational Education Act of 1963, for the purposes described in section 348(c) (1) of this Act.”.

20 USC 1341.
Ante, p. 645.

NATIVE AMERICAN PROGRAMS

29 USC 872.

SEC. 303. (a) The heading of section 302 of the Comprehensive Employment Training Act of 1973 is amended to read as follows: “NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS”.

Hawaiian natives.

(b) Section 302(a) of such Act is amended (1) by striking out the word “and” in clause (1) of such section and inserting in lieu thereof a comma, and (2) by inserting after “native” in such clause (1) a comma and the following: “and Hawaiian native”.

(c) Section 302(b) of such Act is amended by inserting before the semicolon at the end of clause (2) a comma and the following: “and Hawaiian natives”.

(d) The first sentence in section 302(c) (1) of such Act is amended by inserting after “body,” the following: “and such public and private nonprofit agencies as the Secretary determines will best serve Hawaiian natives.”.

29 USC 981.

(e) Section 701(a) of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following:

“(16) ‘Hawaiian native’ means any individual any of whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.”.

WAIVER OF LIMITATION ON FUNDS FOR TITLES III AND IV

Summer youth
employment
programs.
29 USC 802 note.
29 USC 911.

SEC. 304. The limitations of section 4(e) of the Comprehensive Employment and Training Act of 1973 shall not apply to appropriations for summer youth employment programs under section 304(a), part C of title III (as added by this Act), and title IV of such Act for the fiscal year 1978.

SPECIAL VETERANS PROVISIONS

SEC. 305. (a) With respect to programs carried out with funds appropriated after January 1, 1977, for each of the fiscal years 1977 and 1978 under the Comprehensive Employment and Training Act of 1973, as amended, the Secretary of Labor (hereinafter in this section referred to as the "Secretary") shall take appropriate steps to provide for the increased participation in public service employment programs and job training opportunities supported under such Act of qualified disabled veterans (as defined in section 2011(1) of title 38, United States Code) and those qualified Vietnam-era veterans (as defined in section 2011(2)(A) of such title) who are under thirty-five years of age (hereinafter in this section referred to collectively as "eligible veterans"), including, but not limited to—

29 USC 803.

29 USC 801 note.

(1) providing for individual prime sponsors to develop local goals, taking into account the number of qualified eligible veterans and the number of qualified persons in other significant segments of the population in the area served by such sponsors, for the placement of such eligible veterans in job vacancies occurring in such public service employment programs; and

(2) requiring that representatives of appropriate veterans organizations or groups be invited to serve as temporary members of prime sponsors' planning councils (established under section 104 of such Act), the States' Manpower Services Councils (established under section 107(a)(1) of such Act), and the National Commission for Manpower Policy (established under section 502(a) of such Act).

29 USC 814.

29 USC 817.

29 USC 952.

(b)(1) The Secretary shall make available such sums and shall assign such personnel as may be necessary to carry out fully and effectively his responsibilities under subsection (a). The Secretary shall report to the Congress within 60 days of enactment of this Act on the amount so made available and the personnel so assigned.

Report to Congress.

(2) In preparing the regular reports on the client characteristics of participants under the Comprehensive Employment and Training Act of 1973, the Secretary shall take all reasonable precautions to ensure that eligible veterans are not counted more than once.

(c) The Secretary, in carrying out his responsibilities under this section, shall consult with and solicit the cooperation of the Administrator of Veterans' Affairs.

SPECIAL CONSIDERATION

SEC. 306. (a) Section 205 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

Teaching positions.
29 USC 845.

"(d) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

29 USC 962.

“(f) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title.”.

CLARIFYING AMENDMENT

29 USC 968.

SEC. 307. Clause (A) of section 608(a)(1) of the Comprehensive Employment and Training Act of 1973 is amended to read as follows:

“(A) who has been eligible for unemployment compensation benefits for fifteen or more weeks;”.

Approved August 5, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-314 (Comm. on Education and Labor) and No. 95-456 (Comm. of Conference).

SENATE REPORT No. 95-173 accompanying S. 1242 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 25, 26, considered and passed Senate, amended, in lieu of S. 1242.

July 19, House agreed to conference report.

July 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 5, Presidential statement.